



Richard J. Berry, Mayor

**AIR QUALITY CONSTRUCTION PERMIT #3324
FACILITY CDS #NM/001/00570
Facility ID: FA0004457; Record ID: PR0008755**



Mary Lou Leonard, Director

Issued to: Univar USA, Inc.
50 S. 45th Avenue
Phoenix, AZ 85043

Certified Mail #XXXX
Return Receipt Requested

Responsible Official: Gregory T. Heard, Regional Regulatory Manager

Pursuant to the New Mexico Air Quality Control Act, Chapter 74, Article 2 New Mexico Statutes Annotated 1978 (as amended); the Joint Air Quality Control Board Ordinance, 9-5-1 to 9-5-99 ROA 1994; the Bernalillo County Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5; the Albuquerque/Bernalillo County Air Quality Control Board (A/BCAQCB) Regulation Title 20, New Mexico Administrative Code (20 NMAC), Chapter 11, Part 40 (20.11.40 NMAC), Air Contaminant Source **Univar USA, Inc.** (Company or Permittee) is hereby issued this **CONSTRUCTION PERMIT** and authorized to operate the following equipment at:

Facility/Location	UTM Coordinates	Facility Process Description	SIC	NAICS
Albuquerque Facility 3301 Edmunds Street SE Albuquerque, NM	350390 Easting 3879161 Northing	Railcar Transloading of Hydrochloric Acid (HCl)	5169	424690

This **CONSTRUCTION PERMIT #3324** has been issued based on the review of the application received by the Albuquerque Environmental Health Department (Department), Air Quality Program on June 27, 2017, and on the National Ambient Air Quality Standards, New Mexico Ambient Air Quality Standards, and Air Quality Control Regulations for Albuquerque/Bernalillo County, as amended. As these standards and regulations are updated or amended, the applicable changes will be incorporated into Construction Permit #3324 and will apply to the Facility.

Issued on the ____ day of _____, 2017

Isreal Tavarez, Environmental Health Manager
Permitting Division
Air Quality Program
Environmental Health Department
City of Albuquerque

I. CONDITIONS: Conditions have been imposed in this permit to assure continued compliance. 20.11.41.19.D NMAC, states that any term or condition imposed by the Department on a permit or permit modification is enforceable to the same extent as a regulation of the Board. Pursuant to 20.11.41 NMAC, the Facility is subject to the following conditions:

1. Construction and Operation: Compliance will be based on Department inspections of the Facility, reviews of production records, submission of appropriate permit applications for modification, and timely notification to the Department regarding equipment substitutions.

a) This permit authorizes the construction and operation of the following equipment:

Process Equipment Unit #	Process Equipment Description	Manufacturer	Model Number	Serial Number	Installation Date	Size or Process Rate	Unit Subject To NSPS
1	Railcar Unloading/ Truck Loading	NA	NA	NA	2017	4200 gal/hr	No
2	Railcar Unloading/ Tote Drums Loading	NA	NA	NA	2017	4200 gal/hr	No
3	HCl Fugitives	NA	NA	NA	2017	Various valves, pumps and flanges	No
4	Haul Roads	NA	NA	NA	2017	1440 trucks/yr	No

b) This permit authorizes the construction and operation of the following air pollution control equipment:

Equipment Controlled Unit #	Air Pollution Control Equipment Description	Manufacturer	Model Number	Serial Number	Design Rate/Operating Parameter	Rated Control Efficiency
1 and 2	Scrubber	TBD*	TBD*	TBD*	TBD*	99%

* To Be Determined

- c) All equipment shall be maintained as per manufacturer specifications to ensure the emissions remain at or below the permitted levels.
- d) This Facility shall be constructed and operated in accordance with information provided in the permit application dated and received April 11, 2016, and in accordance with the legal authority specified above and the conditions of this permit.
- e) Prior to any asbestos demolition or renovation work, the Department must be notified and proper permits shall be obtained and CFR Title 40, Part 61 Subpart M may apply.
- f) This Facility is not subject to Federal New Source Performance Standards (NSPS), Code of Federal Regulations (CFR), Title 40, Part 60.
- g) Replacement of emission units for which an allowable emissions limit has been established in the permit may be requested by the permittee through a technical permit revision in accordance with 20.11.41.28.B NMAC.
- h) The equipment listed in Conditions I.1.a) and I.1.b), are limited to the following operational restrictions:
 - i. The facility may operate continuously;

- ii. Transloading operations shall be limited to 2,890 hours/year;
 - iii. The maximum loading rate shall not exceed 4,200 gallons/hour;
 - iv. The HCl concentration in aqueous solution shall not exceed 37% by weight;
 - v. Haul truck traffic shall not exceed 1,440 trucks/year; and,
 - vi. Railcar unloading and truck and tote/drum loading (Process Equipment Units #1 and 2) shall not occur without the scrubber in place.
- i) Vehicle traffic areas, haul roads and all site operations shall be maintained and controlled pursuant to 20.11.20.12.A. NMAC, General Provisions, Fugitive Dust Control. That is, the owner/operator shall "...use reasonable available control measures or any other effective control measure to prevent a violation of the national ambient air quality standards and meet the objective established in 20.11.20.6 NMAC, whether or not the person has been issued a fugitive dust control permit. No person shall allow fugitive dust, track out, or transported material from any active operation, open storage pile, paved or unpaved roadway or disturbed surface area, or inactive disturbed surface area to be carried beyond the property line, right-of-way, easement or any other area under control of the person generating or allowing the fugitive dust if the fugitive dust will: 1) adversely affect the health, public welfare or safety of the residents of Bernalillo county; or 2) impair visibility or the reasonable use of property; or 3) be visible longer than a total of 15 minutes in any one hour observation period...To mitigate fugitive dust, all inactive disturbed surface areas must be stabilized and maintained in stable condition by the owner, operator, or person responsible for maintenance of the disturbed surface..." The permittee shall use any of the following control measures to prevent visible emissions of fugitive dust from being generated as specified by 20.11.20.23.A and B NMAC:
- i. Cleaning up spillage and track out as necessary to prevent pulverized particulates from being entrained into the atmosphere; or,
 - ii. Using paved or gravel entry/exit aprons with devices, such as steel grates, capable of knocking mud and bulk material off vehicle tires; or,
 - iii. Using on-site wheel washes; or,
 - iv. Performing regularly scheduled vacuum street cleaning or wet sweeping with a sweeper certified by the manufacturer to be efficient at removing particulate matter having an aerodynamic diameter of less than 10 microns (i.e. PM10); or,
 - v. Using dust suppressants applied in amounts and rates recommended by the manufacturer and maintained as recommended by the manufacturer; or,
 - vi. Using wet suppression; or,
 - vii. Using traffic controls, including decreased speed limits with appropriate enforcement; other traffic calming methods, vehicle access restrictions and controls; road closures or barricades; and off-road vehicle access controls and closures.
- j) Changes in plans, specifications, and other representations proposed in the application documents shall not be made if they will increase the potential to emit or cause a change in the method of control of emissions or in the character of emissions. Any such proposed changes shall be submitted as a modification to this permit. No modification shall begin prior to issuance of a permit.

k) The emission of a regulated air pollutant in excess of the quantity, rate, opacity, or concentration specified in an air quality regulation or permit condition that results in an excess emission is a violation of the air quality regulation or permit condition and may be subject to an enforcement action. The owner or operator of a source having an excess emission shall, to the extent practicable, operate the source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions. This condition is pursuant to 20.11.49.14 NMAC.

2. **Unit Emission Limits**--Condition 2, Unit Emission Limits, has been placed in the permit in accordance with 20.11.41.19.B and C NMAC, to allow the Department to determine compliance with the terms and conditions of the permit. These were the emission rates stated in the permit application and are the basis of the Department's review. Compliance will be based on Department inspections of the facility and upon compliance with the emission limits and opacity readings conducted in accordance with the test methods specified in Condition 6 - **Compliance Tests**.

a) The following equipment shall not exceed the emission limits stated in the table below. Tons per year emissions shall be based on a 12-month calendar year total.

Unit Emission Limits

Unit #	TSP lb/hr	TSP tpy	PM ₁₀ lb/hr	PM ₁₀ tpy	PM _{2.5} lb/hr	PM _{2.5} tpy	HAPs tpy	Percent Opacity	Monitoring Requirements ¹	Record Keeping Requirements ¹	Reporting Requirements ¹	Compliance Testing ²
1	--	--	--	--	--	--	0.06	20%	Yes	Yes	Yes	No
2	--	--	--	--	--	--	0.05	20%	Yes	Yes	Yes	No
3	--	--	--	--	--	--	1.5	20%	Yes	Yes	Yes	No
4	0.32	0.19	0.06	0.04	0.02	0.01	--	20%	Yes	Yes	Yes	No
Total	0.32	0.19	0.06	0.04	0.02	0.01	1.61					

¹ Refer to Conditions 3, 4 and 5 for unit specific monitoring, recordkeeping, and reporting requirements

b) Emission Units #1 through 4 shall not cause or allow visible air emissions to exceed 20 percent opacity for any six (6) minute timed average pursuant to 20.11.5.12 NMAC.

c) Compliance with ton per year (tpy) emissions shall be based on compliance with Conditions I.1.h) and I.1.i).

3. **Recordkeeping:** Condition 4 has been placed in the permit in accordance with 20.11.41.19.B(4) NMAC and 20.11.41.19.C(8)-(9) and (11) NMAC, to allow the Department to determine compliance with the terms and conditions of the permit. Compliance will be based on Department inspection of records and logs.

a) Maintain records of start and stop times of transloading operation.

b) Maintain records of a 12-month rolling total of hours of transloading operation.

c) Maintain records of HCl throughput in gallons per hour, gallons per day, and a 12-month rolling total of HCl throughput in gallons per year.

d) Maintain records of the operational status of the scrubber, including the date and time the equipment was checked, prior to any HCl transfer.

e) Record and log the daily and annual haul truck traffic.

This information shall be retained at the Facility for the most recent two-year period and shall be made available to Department personnel upon request.

4. **Monitoring:** Condition 3 has been placed in the permit in accordance with 20.11.41.19.B(4) NMAC and 20.11.41.19.C(3)-(7) and (11) NMAC, to allow the Department to determine compliance with the terms and conditions of the permit. Compliance will be based on Department inspection of equipment and logs.
- a) Monitor hours of transloading operation each time a unit is operated (including start and stop time).
 - b) Monitor HCl throughput each operating day in gallons per hour and gallons per day.
 - c) Monitor the operational status of the scrubber each operating day, prior to any material transfer.
 - d) Monitor the daily and annual haul truck traffic.
5. **Reporting:** Condition 5 has been placed in the permit in accordance with 20.11.41.21 NMAC and 20.11.90 NMAC, to allow the Department to determine compliance with the terms and conditions of the permit. Compliance will be based on timely submittal of the reports (initial and annual). Notifications shall contain the required information and shall be made in accordance with 20.11.41.20 NMAC.

The permittee shall notify the Department in writing of:

- a) The anticipated startup not less than thirty (30) days prior to that date (20.11.41.21.A(1) NMAC);
- b) The actual date of initial startup within fifteen (15) days after the initial startup date (20.11.41.21.A(3) NMAC);
- c) All information labeled "TBD" cited under Condition 1.b) within thirty (30) days of installation;
- d) Any change in control or ownership within fifteen (15) days of the change in control or ownership; the permit and conditions apply in the event of any change in control or ownership of the facility. No permit modification is required in such case; however, in the event of any such change in control or ownership, the permittee shall notify the succeeding owner of the permit and the conditions (20.11.41.21.A(5) NMAC);
- e) Any permit update or correction as required by 20.11.41 NMAC no more than 60 days after the permittee knows or should have known about the condition that requires updating or correction of the permit. (20.11.41.21.A(6) NMAC);
- f) Replacement of emission units for which an allowable emissions limit has been established in the permit may be requested by the permittee through a technical permit revision in accordance with 20.11.41.28.B NMAC.
- g) An annual (January 1 through December 31 of the previous year) emissions inventory for all pollutants listed in Condition I.2.a) to include the annual HCl throughput (in gallons) and hours of operation, together with descriptions of any reconfiguration of process technology and air pollution equipment by March 15 every year; and,
- h) The permittee of a source having an excess emission shall provide the department with the following reports on forms provided by the department:
 - i. **INITIAL REPORT:** The permittee shall file an initial report, no later than the end of the next regular business day after the time of discovery of an excess emission pursuant to 20.11.49.15.A(1) NMAC;

- ii. **FINAL REPORT:** The permittee shall file a final report, no later than 10 days after the end of the excess emission. If the period of an excess emission extends beyond 10 days, the permittee shall submit the final report to the department within 72 hours of the date and time the excess emission ceased. This condition is pursuant to 20.11.49.15.A(2) NMAC and 20.11.49.15.C NMAC; and,
- iii. **ALTERNATIVE REPORTING:** If the facility is subject to the reporting requirements of 40 CFR Parts, 60, 61, and 63 and the federal requirements duplicate the requirements of 20.11.49.15 NMAC, then the federal reporting requirements shall suffice. This condition is pursuant to 20.11.49.15.D NMAC.

6. **Compliance Tests:** Condition 6 has been placed in the permit in accordance with CFR Title 40, Part 60, Subpart A General Provisions and 20.11.41.22 NMAC, 20.11.90.13 NMAC. Compliance will be based on the satisfactory completion of the compliance tests, the timely submittal of the emission unit test results to the Department, and on meeting the emission limits specified in Condition 2.

- a) Initial and annual compliance testing have not been imposed at this time.
- b) Compliance tests and a testing schedule may be re-imposed (or imposed) if inspections of the source indicate non-compliance with permit conditions or the previous test showed non-compliance or was technically unsatisfactory. All compliance tests shall be conducted in accordance with EPA Methods contained in Appendix A of the CFR, Title 40, Part 60, unless otherwise approved by the Department.
- c) For all compliance tests, the owner or operator shall notify the Department at least fifteen (15) days prior to the test date and allow a representative of the Department to be present at the test (20.11.41.22 NMAC and CFR Title 40, Subpart A, "General Provisions").
- d) For all compliance tests, the permittee shall provide for the Department's approval a written test protocol at least fifteen (15) days prior to the anticipated test date. The protocol shall describe the test methods to be used (including sampling locations), and shall describe data reduction procedures. Any variation from the established sampling and analytical procedures or from facility operating conditions shall be presented for Department approval.
- e) For all compliance tests, the test protocol and compliance test report shall conform to the standard format specified by the Department.
- f) All compliance tests shall be conducted at ninety (90%) percent of the unit's permitted capacity or greater to demonstrate compliance with the permitted emission limits. Compliance testing at other than 90% production levels shall be performed at the Department's request and/or approval.
- g) One copy of the compliance test results shall be submitted to the Department Enforcement Section within thirty (30) days after the completion of testing.

7. **Modifications:** Condition 7 has been placed in the permit in accordance with 20.11.41.7.U NMAC, to enable the Department to review proposed changes to the facility which may constitute a permit modification prior to such changes. Compliance will be based on Department inspections and the submittal of a new permit application for any modification.

- a) Any future physical changes or changes in the method of operation which results in an increase in the pre-controlled emission rate may constitute a modification as defined by 20.11.41.7.U NMAC. No modification shall begin prior to issuance of a permit. Modifications or revisions to this permit shall be processed in accordance with 20.11.41 NMAC.

- 8. Compliance Assurance/Enforcement:** All air pollution emitting facilities within Bernalillo County are subject to all applicable Albuquerque/Bernalillo County Air Quality Control Regulations, whether listed in this permit or not.
- a) The issuance of a permit or registration does not relieve the Facility from responsibility of complying with the provisions of the Air Quality Control Act, and the laws and regulations in force pursuant to the Act. (20.11.41.18 NMAC).
 - b) Any conditions imposed upon the Facility as the result of an Authority-To-Construct Permit or any other permit issued by the Department shall be enforceable to the same extent as a regulation of the Board. (20.11.41.19.D NMAC).
 - c) The Department is authorized to issue a compliance order requiring compliance and assessing a civil penalty not to exceed Fifteen Thousand and no/100 Dollars (\$15,000) per day of noncompliance for each violation, commence a civil action in district court for appropriate relief, including a temporary and permanent injunction. (74-2-12 NMSA).
 - d) Scheduled and Unscheduled Inspection (74-2-13 NMSA) -- The Department will conduct scheduled and unscheduled inspections to insure compliance with the Air Quality Control Act, and the laws and regulations in force pursuant to the Act, and this Permit, and, upon presentation of credentials:
 - i. Shall have a right of entry to, upon, or through any premises on which an emission source is located or on which any records required to be maintained by regulations of the Board or by any permit condition are located;
 - ii. May at any reasonable time have access to and copy any records required to be established and maintained by Regulations of the Board, or any permit condition;
 - iii. May inspect any monitoring equipment and method required by Regulations of the Board or by any permit condition; and,
 - iv. Sample any emissions that are required to be sampled pursuant to Regulation of the Board, or any permit condition.
 - e) Any credible evidence may be used to establish whether the facility has violated or is in violation of any regulation of the Board, or any other provision of law. Credible evidence and testing shall include, but is not limited to (20.11.41.27A and B NMAC):
 - i. A monitoring method approved for the source pursuant to 20.11.42 NMAC "Operating Permits" and incorporated into an operating permit;
 - ii. Compliance methods specified in the Regulations, conditions in a permit issued to the facility, or other provision of law;
 - iii. Federally enforceable monitoring or testing methods, including methods in CFR Title 40 Parts 51, 60, 61, and 75; and,
 - iv. Other testing, monitoring or information-gathering methods that produce information comparable to that produced by any CFR method and approved by the Department and EPA.
- 9. Posting of the Permit:** Compliance will be based on Department inspections of the Facility, which show that a copy of the permit has been posted in a visible location. A copy of this permit shall be posted in a visible location at the plant site at all times. The permit shall be made available to Department personnel for inspection upon request.

10. Annual Fees: Condition 10 has been placed in the permit in accordance with 20.11.2 NMAC to allow the Department to determine compliance with the terms and conditions of the permit. Compliance will be based on the receipt of the annual emissions fee due each year to the Department pursuant to 20.11.2 NMAC. Every owner or operator of a source that is required to obtain a source registration, a construction permit, an operating permit, or a preconstruction permit shall pay an annual emissions fee pursuant to 20.11.2 NMAC, 20.11.40 NMAC, 20.11.41 NMAC, 20.11.42 NMAC, 20.11.60 NMAC, 20.11.61 NMAC, or 20.11.62 NMAC.

**Facility Wide Fee Pollutants
(Tons Per Year)**

Fee Pollutant	Facility Wide Fee Pollutant Totals in Tons per Year (TPY)
Total Suspended Particulate Matter (TSP)	0
Hydrochloric Acid (HCl)	2
Facility Wide Fee Pollutants Totals (TPY)	2

II. ADDITIONAL REQUIREMENTS

1. Permit Cancellation-- The Department may cancel any permit if the construction or modification is not commenced within two (2) years from the date of issuance or if, during the construction or modification, work is suspended for a total of one (1) year pursuant to 20.11.41.20.B NMAC.

Application for permit modifications, relocation notices and items listed under **ADDITIONAL REQUIREMENTS** shall be submitted to:

Albuquerque Environmental Health Department
Air Quality Program
Permitting Section
P.O. Box 1293
Albuquerque, New Mexico 87103

Test protocols and compliance test reports shall be submitted to:

Albuquerque Environmental Health Department
Air Quality Program
Attention: Enforcement Supervisor
P.O. Box 1293
Albuquerque, New Mexico 87103

All reports shall be submitted to:

Albuquerque Environmental Health Department
Air Quality Program
Attention: Compliance Officer
P.O. Box 1293
Albuquerque, New Mexico 87103